5122882/2021/OP-I-AGC01

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Agriculture & Cooperation (H&S) Department - Regularization of the services of Sri.K. Anka Rao, Retired Field Assistant, Prakasam District with effect from 25.11.1993 for the purpose of fixation of pay, pension and pensionary benefits as per the orders dated 27.02.2020 of Hon'ble High Court of A.P in C.C.No.559 /2021 in W.P. No.5001/2020, subject to further orders in SLPs pending before the Hon'ble Supreme Court of India, New Delhi - Orders - Issued.

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AGRICULTURE & COOPERATION (H&S) DEPARTMENT

G.O.Ms.No.75. **Dated.27.10.2021.**

Read the Following

1. G.O.Ms.No.212, Finance & Planning (FW.PC.III) Department, dated.22.04.1994.
2. G.O.Ms.No.11, Finance (HR.III) department, dated.20.01.2017.
3. Proc.Rc.No.552/FA/PKM9(22)16-17E, dated.10.02.2017 of the Asst.Director of Sericulture Ongole Prakasam District.
4. Orders dated.27.02.2020 of the Hon'ble High Court of A.P.Amaravathi in W.P.No.5001/2020 filed by Sri .K. Anka Rao, Retired Field Assistant, Prakasam District
5. Orders dt. 06.11.2020 of the Hon'ble Division bench of High Court of A.P in W.P Nos.4247 and 4994 of 2019 filed by Government.
6. C.C.No.559/2021 in W.P No.5001 of 2020 filed by Sri .K. Anka Rao, Retired Field Assistant, Prakasam District
7. From the Commissioner of Sericulture, A.P., Guntur, Letter R.C No. 402/2019-B3A(RFA), dt.24.11.2020

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ORDER :

In the G.O. second read above, orders were issued to create (726) posts in the category of Field Assistant under supernumerary basis for regularization of services of Full Time Contingent Employees working in the Sericulture Department those who have completed 5 years of service as on 25.11.1993 and continuing in the Sericulture Department. Accordingly, the eligible Full Time Contingent Employees were appointed as Field Assistants under category 12 of A.P. Last Grade Service Rules 1992, and placed on probation from the date of issuance of the said G.O. i.e. 20.01.2017.

2. Sri .K. Anka Rao, Retired Field Assistant, Prakasam District whose name was covered in G.O.Ms.No.11, Finance (HR.III) Department, dated 20.01.2017 was appointed as Field Assistants under category–12 of A.P Last Grade Service Rules, 1992 in the time scale of Rs.13000 – 40270 in RPS, 2015 retired on 30.04.2017 on attaining the age of superannuation i.e. 60 years. He has filed O.A.No3263 of 2017 before the Hon'ble A.P Administrative Tribunal, Hyderabad, seeking directions to the respondents to regularize his services soon after completion of five years i.e., 03.07.1990, or at least w.e.f. 25.11.1993 with all consequential benefits, such as pay fixation, old pension Scheme, Revised pay scales etc.,

3. The Hon'ble A.P Administrative Tribunal, Hyderabad has allowed the O.A. at the admission stage and passed common orders on 05.12.2017 in O.As No. 3263 of 2017 and 3271 of 2017 filed by Sri. K. Anka Rao and Sri. S. Nageswara Rao, Retired Field Assistants, Prakasam District referring to the orders dated.13.09.2017 passed in O.A.No.1740, 1741 & 1761 of 2017. The Operative position of the orders/judgment is as follows:

"Having perused the earlier order cited by the learned counsel for the applicants in O.A.No.1740/2017 and batch, dated.13.09.2017, I am of the considered view that the facts in the present O.As are exactly similar to the three OAs referred to above. Hence, the applicants in the present OAs are also entitled for the similar relief granted in O.A No.1740/2017 and batch, dated.13.09.2017, which is as follows:

For all the above reasons, the respondents are directed to regularize the services of the applicants with effect from 25.11.1993 and on such, the applicants, are entitled for notional pay fixation and the service from that day shall be counted only for the purpose of pension and pensionary benefits. Appropriate orders in this regard shall be passed within a period of three months from the date of receipt of copy of this order.

(PTO)

4. The Government have filed W.P No. 4994 of 2019 before the Hon'ble High Court of A.P against the above common orders of the A.P.A.T. The Hon'ble Division Bench of High Court, A.P., Amaravathi while dismissing the above W.P. including W.P.No.4247/2019 have passed common orders dated.06.11.2020. Aggrieved by the orders of the Hon'ble Division Bench of High Court, SLPs have been filed before the Hon'ble Supreme Court of India, New Delhi vide SLP Nos.011166–011167 of 2021, which are pending on the file of Hon'ble Supreme Court of India.

5. Sri .K. Anka Rao, Retired Field Assistant, Prakasam District has filed W.P.No.5001/2020 before the Hon'ble High Court of A.P., Amaravathi seeking directions to the respondents for implementation of Tribunal orders dated.05.12.2017 in O.A.No.3263 of 2017. The Hon'ble High Court allowed the W.P. at the admission stage and passed the following orders on 27.02.2020.

> "For the foregoing reasons, Writ Petition is disposed of, directing the respondents herein to take action as per the order, dated 05.12.2017, in O.A.No.3263/2017 and to pass appropriate orders, if no orders have been passed so far, strictly in accordance with Law, within a period of three (3) months from the date of receipt of a copy of this order. There shall be no order as to costs."
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> As sequel there to miscellaneous petitions, if any shall stand closed.

6. The petitioner in O.A/ W.P. has filed C.C.No.559/2021 in W.P No.5001/2020 before the Hon'ble High Court, A.P., Amaravathi for non – implementation of the above Hon'ble High Court orders.

7. After careful examination of the entire issue and to avoid further legal complications, Government have decided to Implement the orders of Hon'ble High Court of A.P., dated.27.02.2020 in W.P No.5001/2020 and hereby order to regularize the services of the of petitioner i.e., Sri .K. Anka Rao, Retired Field Assistant, Prakasam District with effect from 25.11.1993 notionally in terms of G.O.Ms.No.212, Finance & Planning (FW.PC.III) Department, dated.22.04.1994, for the purpose of pay fixation, pension and pensionary benefits subject to further orders in SLPs pending before the Hon'ble Supreme Court of India, New Delhi and other SLPspending in the similar matter.

8. This orders/relief being extended only to the incumbent petitioners mentioned in the above W.P and not being treated as a precedent to be extended to any person/persons claiming to be similarly situated.

9. The Commissioner of Sericulture, Andhra Pradesh, Guntur shall take necessary action in the matter, accordingly.

10. This order issues with the concurrence of Finance Department vide their U.O.No.HROPDPP/46/2021, dated 21-10-2021.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

POONAM MALAKONDAIAH
CHIEF COMMISSIONER RBKS &
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
The Commissioner of Sericulture, Andhra Pradesh, Guntur.
The individual concerned through the Commissioner of Sericulture, A.P., Guntur
The Director of State Audit Department, Andhra Pradesh.
Finance (HR.I–Plg,& Policy) Department.
Copy to:
The Government Pleader for Services-I,&II A.P.High Court Buildings, Nelapadu
P.S to Hon'ble Minister (Agrl.& Coop)
P.S to Chief Commissioner RBKS & Spl.C.S to Govt., Agrl.& Coop Dept.,
P.S to Prl.Secy.to Govt., Finance Dept., A.P Sectt.
P.S to Secy. to Govt., Finance (HR.I) Dept., A.P Sectt.
SF/SC.

// FORWARDED BY ORDER //

SECTION OFFICER